



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

September 24, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: I-2015-2472242, M-2013-2364201

Dear Secretary Chiavetta:

Enclosed for filing please find the Department's *Reply Exceptions* in the above captioned matter. This filing does not contain facts that are not currently in the record. Therefore, a verification is not required.

I hereby certify that a copy has been sent to all parties of record as indicated by the Certificate of Service.

Very truly yours,

A handwritten signature in blue ink that reads "Gina M. D'Alfonso".

Gina M. D'Alfonso
Senior Counsel in Charge

Enclosure

220/GMD:igl

Cc: Administrative Law Judge David A. Salapa
Parties of Record
Mark J. Chappell, P.E., Chief, Utilities and Right-of-Way Section
Sarah J. Fenton, District Grade Crossing Engineer, District 4-0
Daniel Leonard, Grade Crossing Engineer, Central Office, CKB 7th floor

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bridge structure where State Route 1025 crosses	:	:
over a single track of Delaware and Hudson	:	Docket No. M-2013-2364201
Railway Company, Inc. (264 293 K) in Nicholson	:	
Borough, Wyoming County	:	
	:	
Investigation upon the Commission's own motion	:	
to determine the condition and disposition of six	:	Docket No. I-2015-2472242
(6) existing structures carrying various highways	:	
above the grade of the tracks of the Canadian	:	
Pacific Railroad in Great Bend Township, New	:	
Milford Township, Brooklyn Township, Hop	:	
Bottom Borough, Lathrop Township,	:	
Susquehanna County, and Benton Township,	:	
Lackawanna County	:	

REPLY EXCEPTIONS OF THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION

And now, comes the Commonwealth of Pennsylvania, Department of Transportation ("PennDOT"), by and through its counsel, Gina M. D'Alfonso, Senior Counsel in Charge, offering the following Reply Exceptions to the Exceptions of Norfolk Southern Railway Company to the Recommended Decision of Administrative Law Judge David A. Salapa ("ALJ") dated August 6, 2018.¹

1. In response to NS Exception 1 PennDOT incorporates its argument in its Main Brief pages 15-17.

¹ At the request of counsel for Norfolk Southern Railway Company and Great Bend Township, and with the concurrence of counsel for the remaining parties, the due date for Exceptions was extended to August 31, 2018 with Reply Exceptions due on September 24, 2018. *See*, Secretarial Letter dated August 14, 2018.

2. In response to NS Exception 3, PennDOT addresses the same issue in its Exceptions at A2 and respectfully requests that this Commission adopt its argument.
3. In response to NS Exception 4, PennDOT does not oppose the clarification proposed by NS.
4. In response to NS Exception 5, PennDOT does not oppose the clarification regarding the maintenance of SR 1018, specifically *including the roadway paving located on the bridge and its approaches and shall remove any snow, ice or debris from the roadway paving on the SR 1018 bridge and its approaches*. PennDOT does oppose being directed to do the preservation work suggested by NS and replace the bridge within seven (7) years of an Order of the Commission. The work proposed by NS² would be considered preservation work and if federal funds are used would have to last for at least ten (10) years.³ Further, if PennDOT is ordered to do the work as proposed by NS, that same work will cost more than the \$85,000.00 estimated by NS. PennDOT is quite certain that NS has not included the cost of railroad coordination in the estimate as well as the requirements of expenditure of public funding. Further, it will cost NS less to do the same work. Dep't Statement 3, pages 10-11; Tr. 122-124, 126-127. If the Commission were to determine that the work proposed by NS is to be done, PennDOT will need at least a year from the date of an Order to procure the funding and to perform the work. This timeframe is dependent upon timely interaction with NS and the availability of the appropriate protective services. Further, if PennDOT is ordered to do the work proposed by NS and to continue to maintain the

² "The repair work shall include concrete repair work along the underside edge of the arch and patching the small areas of spalling concrete under the railing on one side, which shall be completed within one (1) year of this Order."

³ See PennDOT Publication 15M, Design Manual 4, Section 5.6.1. "Once preservation activities are completed at a candidate bridge, this structure should not be revisited for rehabilitation or preservation work for 10 years, except for routine maintenance." The relevant pages are attached as Exhibit A.

structure, then PennDOT should be given the latitude to maintain the bridge and program it for replacement when the replacement is warranted and not be bound by the currently proposed seven year period in the Recommended Decision. The combination of what is proposed by NS and the Recommended Decision is not a prudent expenditure of public funds. See, RD Proposed Ordering Paragraphs 14-15.

5. In response to NS Exception 6, PennDOT addresses the same issue in its Exceptions at C11 and respectfully requests that this Commission adopt its argument.
6. In response to NS Exception 7, PennDOT addresses the same issue in its Exceptions at D14 and respectfully requests that this Commission adopt its argument.
7. In response to NS Exception 8, PennDOT does not oppose the clarification proposed by NS.
8. In response to NS Exception 9, PennDOT does not oppose the clarification regarding the maintenance of SR 2017, specifically *including the roadway paving located on the bridge and its approaches and shall remove any snow, ice or debris from the roadway paving on the SR 2017 bridge and its approaches*. PennDOT does oppose being directed to do the preservation work suggested by NS and replace the bridge within seven (7) years of an Order of the Commission. The work proposed by NS⁴ would be considered preservation work and if federal funds are used would have to last for at least ten (10) years. Footnote 3. Further, if PennDOT is ordered to do the work as proposed by NS, that same work will cost more than the \$116,000.00 estimated by NS. PennDOT is quite certain that NS has not included the cost of railroad coordination in the estimate as well as the requirements of

⁴ “The repair work shall include repairing the concrete faces on both the left and right arch sides; stabilizing the failed wingwall area on the right side (photo 31 in PennDOT Exhibit E5) and continuing to use the New Jersey barriers on the left side of the roadway and repairing the fencing located thereon, which repairs shall be completed within one (1) year of this Order.”

expenditure of public funding. Further, it will cost NS less to do the same work. Dep't Statement 3, pages 10-11; Tr. 122-124, 126-127. Moreover, PennDOT Exhibit H is an estimate for the work needed on SR 2018 - **\$834,478.43**. PennDOT clearly testified that it was its opinion that the NS estimates were too low and acknowledged that the estimates in its Inspection Reports, Exhibits E, were low and only represent 10% of what it will take to do the work. Dep't Statement 4, page 3, lines 15-18. If the Commission were to determine that the work proposed by NS is to be done, PennDOT will need at least a year from the date of a Commission Order to procure the funding and to perform the work. This timeframe is dependent upon timely interaction with NS and the availability of the appropriate protective services. Further, if PennDOT is ordered to do the work proposed by NS and to continue to maintain the structure, then PennDOT should be given the latitude to maintain the bridge and program it for replacement when the replacement is warranted. The combination of what is proposed by NS and the Recommended Decision is not a prudent expenditure of public funds. See RD Proposed Ordering Paragraphs 45-46.

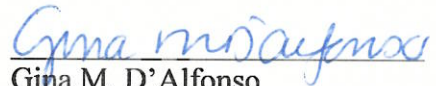
9. In response to NS Exception 10, PennDOT does not oppose the clarification proposed by NS.
10. In response to NS Exception 11, PennDOT is agreeable to performing the NBIS inspection of the T-821 bridge and does not oppose Proposed Ordering Paragraph 56. In lieu of reimbursing PennDOT 20% of the costs, NS should reimburse Great Bend Township since it is the party responsible for the 20% share of inspection costs. As PennDOT testified, it receives an 80% reimbursement from the federal government for inspections on local roads, and the local governments are responsible for 20% of the cost of inspection.

PennDOT Statement 2, page 2 lines 12-13. PennDOT's suggests the following Proposed Ordering Paragraph 57:

57. That Norfolk Southern Railway Company reimburse Great Bend Township its 20% share of the cost of the inspection of the T-821 bridge.

WHEREFORE, the Department of Transportation respectfully requests that the Public Utility Commission consider its Reply Exceptions and enter an Order accordingly.

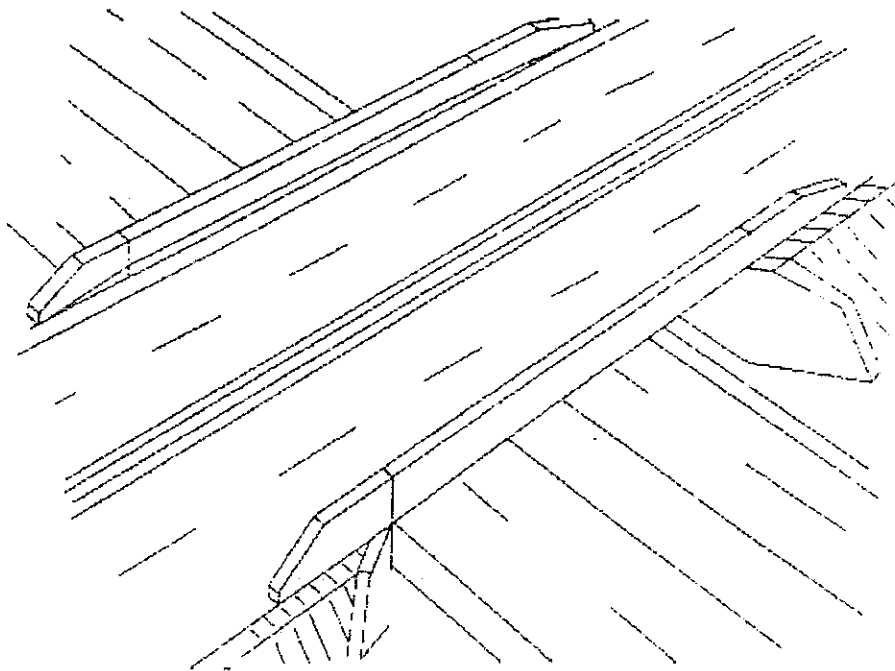
Respectfully Submitted,



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DATED: September 24, 2018

DESIGN MANUAL PART 4



STRUCTURES

PROCEDURES – DESIGN – PLANS PRESENTATION
PDT – PUB No. 15M

APRIL 2015 EDITION

5.5.8 Bridge Rehabilitation Projects Requiring Bridge Painting or Superstructure Jacking

From a review of some project lettings, it is evident that, instead of cleaning and painting of the existing steel beams containing lead based paint, their replacement is sometimes cost effective. The cost of lead based paint removal and disposal is constantly increasing. To provide cost effectiveness, the following guidelines are provided for bridge rehabilitation projects involving bridge painting:

1. For projects requiring bridge painting, refer to PP5.5.2.6, item (b).
2. If the existing bridge paint contains lead or toxic materials, it must be indicated, either on the plans or in the special provision, to alert the contractor. If you are not sure of the lead or toxic material content in the paint system, take a few samples and send them to the Laboratory Testing Section of the Innovation and Support Services Division, for analysis. Based upon the test results, inform the prospective bidders, through bidding documents, whether or not lead is present in the paint.

For bridge rehabilitation projects where superstructure jacking is required, at least one constructible scheme must be shown in the contract documents. All related analyses, including the effects of the jacking on all connections and superstructure and (rarely) substructure elements, must be performed. Consider the following jacking design guidelines:

1. Bridge deck should be closed to traffic.
2. Do not include L + I loads to design jacking force requirements. Assume bridge is closed to traffic until jacking is done and bearings are completed.

If shims and blocks are used for temporary supports under traffic, their design must include L + I. The live loads per D3.6 shall be used including designing for the P-82 permit vehicle. If strengthening is required, all details must be shown in the contract documents. A contractor may be allowed to submit alternate schemes through a special provision or notes on contract drawings.

5.6 BRIDGE PRESERVATION AND PREVENTIVE MAINTENANCE

The 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) amended Title 23 United States Code Section 144 "Highway Bridge Program" (HBP) enabled systematic bridge preservation activities to be funded from the HBP. FHWA determined that this HBP funding could also be used for systematic bridge preventative maintenance. The HBP was completed in September 2014.

HBP funds were used for these activities on any NBIS bridge. Other Federal funds could have been used for these activities on NBIS and non-NBIS length bridges carrying roadways with functional classifications that were eligible for the specific fund category, but could not be performed on bridges carrying local roads or rural minor collectors.

The following work items are still considered to be effective tools for preserving and maintaining bridges.

5.6.1 Bridge Preservation

Eligible work items for bridge preservation are as follows:

1. Scour Countermeasures: Scour countermeasures including underpinning, riprap placement, streambed paving, etc. properly designed for predicted scour.
2. Expansion dams: Repair, replace or install new expansion dams to ensure leakproof joints. Where economically feasible, eliminate the deck joints. Repairs to deck drainage or downspouting may also be included. Replacement of seals is also permitted, provided other items, if any, relative to leakage are also addressed.
3. Beam end repairs and restoration: Restore steel, concrete or P/S concrete beam-ends to extend their service life.
4. Fatigue and Fracture Retrofits: Retrofits or repairs to fatigue-prone details of steel bridges.
5. Bridge bearings and supports: Restore or replace the existing bearings to make them functional and repair or rehabilitate substructure units to extend their service life. If bearings are replaced, they must meet seismic requirements. However, no seismic analysis is to be performed.

6. Spot/Zone painting: Spot/zone painting can be used as a stand-alone measure or with other steel repair items. Preservation of zinc-rich paint systems should be considered. Cleaning and waste disposal is included in this item. Spot/Zone painting to be completed in accordance with Pub 408, Section 1071.
7. Deck restoration and overlays: Concrete deck patching (Repair Types I, II, or III) and waterproofing overlays (i.e., latex concrete, bituminous with membrane) needed to extend deck life and improve rideability are eligible. Full deck replacements are not eligible. Bituminous deck patching alone is not eligible. For additional guidance on concrete deck overlays, see PP5.6.4.
8. Painting: Full overcoats or complete repainting, with cleaning, waste disposal, and steel repairs in accordance with Pub 408, Section 1070. For additional guidance on bridge painting, see PP5.6.2.
9. Approach slabs: Repair the approach slab as necessary where the condition of the approach slab is affecting the performance of the bridge. Where practical and needed, repair or replace approach slabs, pavement relief joints, and other high spots adjacent to bridge to restore functionality and/or improve rideability.
10. Bridge washing: Washing bridges is a preventative maintenance task performed on a recurring basis in order to protect bridge decks, components and superstructure against corrosive effects of chlorides, de-icing chemicals and the accumulation of sand on bridge surfaces throughout the winter.
11. Other bridge preservation items not mentioned in the above categories may be included, but must be properly justified.

Safety items such as bridge barrier replacement are not eligible work items for preservation. However, safety improvements funded using other than bridge preservation funds may be included in such projects to take advantage of traffic control and other incidental project.

Where practical, bridge preservation projects in close proximity should be grouped together to economize traffic control and other incidental costs. Bridges within limits of other highway work should be evaluated for opportunities for simultaneous bridge preservation work. Once preservation activities are completed at a candidate bridge, this structure should not be revisited for rehabilitation or preservation for 10 years, except for routine maintenance activities.

5.6.2 Bridge Painting

The corrosion of structural steel bridge members is an ongoing concern that must be addressed to prolong the life of the bridges in Pennsylvania. Not only does corrosion change the aesthetics of the bridge, it can seriously jeopardize the structural integrity of the entire structure. An efficient and economical method to provide corrosion protection to existing steel bridge members is painting.

These guidelines were developed to provide a baseline for programming painting projects to extend the life of steel bridges. The guidelines are primarily intended for use on bridges greater than 100 feet long. Packaging multiple bridges into one contract for structures less than 100 feet may be appropriate. For smaller bridges, the proportionally higher cost of environmental controls for cleaning may outweigh the benefits of painting. For larger bridges (in excess of 500 feet) or complex bridges, paint preservation should be prioritized due to the high replacement cost of the bridge.

Bridge painting is weather sensitive. The air temperature must be warm and the humidity must be low. Therefore, work/letting need to be scheduled when there is low probability of inappropriate weather conditions. Typically, May through September is the ideal time to accomplish bridge painting. If a painting project occurs outside of this range, a controlled environment is required in accordance with Pub 408 section 1070.

Painting projects should be coordinated with roadway projects, especially on Business Plan Networks (BPN) 1 and 2. The necessary time for design and analysis of a containment system by a Professional Engineer registered in Pennsylvania should be included in the project schedule between the notice to proceed and the physical start of work. Also, consider the necessary time required for the industrial hygienist/certified professional to develop/review the lead safety plan and other submittals.

When repainting existing bridges over high ADT roadways where roadway restrictions must be minimized, use of a rapid deployment strategy should be considered. Rapid deployment is a viable option primarily designed for use on these highway overpasses where the structural steel is easily accessible from the roadway below using a mobile work platform. This mobile work unit includes a containment device, dust collector, and blast equipment. Rapid Deployment methodologies may be specified using Special Provisions. For field painting activities, use a three-coat system with an organic primer as per Pub 408, Section 1070. At this time, two-coat paint systems are not approved. Further research is necessary for single-coat systems.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation upon the commission's own motion to :
determine the condition and disposition of six (6) :
existing structures carrying various highways above :
the grade of the tracks of the Canadian Pacific Railroad :
in Great Bend Township, New Milford Township, :
Brooklyn Township, Hop Bottom Borough, Lathrop :
Township, Susquehanna County and Benton :
Township, Lackawanna County :

Docket No. I-2015-2472242

Bridge structure where State Route 1025, crosses over :
a single track of Canadian Pacific Railroad (264 293 :
K) in Nicholson Borough, Wyoming County :

Docket No. M-2013-2364201

Electronically Filed

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Department's *Reply Exceptions* was served upon the participants listed below, in accordance with the requirements of 52 Pa. Code § 1.54, by first class mail, postage prepaid this 24th day of September, 2018.

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Respectfully submitted,

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION



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